

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

NATIONAL ASSOCIATION FOR
GUN RIGHTS, INC.,

Plaintiff,

v.

JONATHAN MOTL, in his official
capacity as the Commissioner of
Political Practices for the State of
Montana, *et al.*,

Defendants.

Case No. CV 16-00023-H-DLC

**DECLARATION OF JONATHAN
MOTL**

JONATHAN MOTL hereby declares under oath as follows:

1. I am the Commissioner of Political Practices of the State of Montana.
2. Mont. Admin. R. 44.11.605(2)(b) defines “the initiation of voting in an election,” for purposes of an electioneering communication, to occur “when absentee ballot packets are mailed to or otherwise delivered to qualified electors pursuant to 13-13-214.”
3. In two decisions my office specified that the date of mailing of absentee ballots is assessed by reference to the Montana Secretary of State’s election calendar, and that the operative absentee ballot

mail date is the mailing date for the general absentee ballot, not the overseas absentee ballot.

See COPP-2016-AO-005 at 3 and COPP 2016-CFP-025 at 5 (both attached).

4. The COPP utilized the general absentee mailing date because it is unlikely Montanans overseas will be exposed to electioneering communication.
5. The covered period for electioneering communication is therefore around 85 days, depending on the specific mailing date on the Montana Secretary of State's election calendar. *See* Mont. Code Ann. § 13-13-205(1)(a) (general absentee ballots must be mailed at least "25 days prior to election day").

I hereby declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated this 8th day of March, 2017.



JONATHAN MOTL